

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

DOCKET NO. 3:08-cv-00251-FDW

JAMES M. HARRINGTON,

Plaintiff,

vs.

CIBA VISION CORPORATION,

Defendant.

ORDER

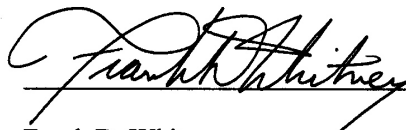
THIS MATTER comes now before the Court on the Notice of Intervention by the United States and Suggested Briefing Schedule, and the Court being fully apprised in the matter,

IT IS ORDERED that, pursuant to 28 U.S.C. § 2403(a), the United States is permitted to intervene in this civil action to address the question of the constitutionality of Title 35, United States Code, Section 292, and

IT IS FURTHER ORDERED that the United States shall file on or before December 22, 2008, its brief defending the constitutionality of the statute; that Plaintiff and Defendant shall file any responsive briefs by January 22, 2009, and that any reply brief by the United States shall be filed by February 6, 2009. The parties are advised that no extensions in this briefing schedule will be granted.

IT IS SO ORDERED.

Signed: November 10, 2008



Frank D. Whitney
United States District Judge

